
Public Utilities Commission of the State of California

Results of Public Agenda 3131

Meeting Held on Thursday, April 1, 2004 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

Carl W. Wood

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, April 19, 2004 (San Francisco)	Thursday, April 22, 2004 (San Francisco)
Monday, May 03, 2004 (San Francisco)	Thursday, May 06, 2004 (San Francisco)
Monday, May 24, 2004 (San Francisco)	Thursday, May 27, 2004 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Re 34: Michael Boyd, Californians for Renewable Energy , Inc. (CARE), Soquel, CA

Re 51: Juliette Beck, Public Citizen

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

- 1 R03-09-006 - Order Instituting Rulemaking on the Commission's own motion for the purpose of considering policies and rules governing utility construction contracting process.**

[3277]

This decision grants Petition to Modify R03-09-006 and motions that seek to change the named respondents to this proceeding. It also grants motion for confidentiality filed by several utilities. (Comr Lynch - ALJ Malcolm)

Outcome Held (4/22/04, Consent Agenda. Further review.

)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 2 Res ALJ 176-3131**

[3222]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

3

[3283]

C02-11-032 - Stuart L. Posselt vs. Pacific Bell Telephone Company.

This decision dismisses the complaint of Stuart L. Posselt against Pacific Bell Telephone Company, dba SBC California, for failure to set forth a violation of any statute or Commission order, rule or regulation. This proceeding is closed.

(Comr Wood - ALJ Reed)

Outcome Signed

D04-04-001

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

4

[3285]

Res E-3832 - Southern California Edison Company (SCE).

This resolution approves SCE's 2001 and 2002 Performance Based Ratemaking Performance Reports, which detail revenue sharing calculations and service quality performance rewards for 2001 and 2002. (Advice Letters 1608-E-B and 1697-E-A, both filed August 18, 2003)

Agenda 3130, Item 10 3/16/2004 (Staff)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

5

[3287]

Res W-4462 - California Water Service Company (CWSC), Salinas and Bakersfield Districts.

This resolution authorizes CWSC the acquisition of three water companies and rates for two of them, authorizing surcharges in the Salinas District to recover undercollections in purchased power balancing account producing additional annual revenues of \$394,707 or 5.1% for the Salinas District, and granting withdrawal of Advice Letter 1542. (Advice Letter (AL) 1514 and AL 1515, filed May 7, 2002; AL 1517, filed June 26, 2002; AL 1532, filed January 2, 2003; and AL 1542, filed March 17, 2003)

Agenda 3130, Item 12 3/16/2004 (Staff)

Outcome Held (4/22/04, Consent Agenda. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

6

[3292]

A03-11-027 - Southern California Edison Company (SCE).

This decision grants SCE authority under Pub. Util. Code §851 to enter into a master lease agreement and five associated leases, called 'product orders,' with Sprint Communications Company, LP (Sprint). The leases are for use of optical fibers within five existing SCE-owned fiber optic cable rings in Los Angeles, Orange, Riverside and San Bernardino counties. Sprint will use the leased fibers to expand its facilities-based telecommunications service in southern California. The decision also approves SCE's request to enter into additional product orders with Sprint under the master lease agreement, subject to Commission approval through the advice letter process rather than through §851 applications. The Commission notes that SCE has agreed to a number of safeguards in these advice letter filings based on recommendations of the Commission's Office of Ratepayer Advocates, and the decision incorporates those safeguards. This proceeding is closed.

(Comr Peevey - ALJ Walker)

Outcome Signed (Comr. Wood reserves the right to file a dissent.)

D04-04-002

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

7

[3325]

R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.

This decision awards The Utility Reform Network \$119,571.40 in compensation for its contributions to D03-02-034, D03-02-072, D03-06-067, D03-06-071, D03-06-073, D03-06-076 and for its participation in the Procurement Review Groups related to the subject rulemaking.

(Comr Peevey - ALJ Allen)

Agenda 3130, Item 33 3/16/2004 (Staff)

Outcome Signed

[D04-04-003](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

8

[3331]

A03-11-004 - Catalina Channel Express, Inc. (Applicant).

This decision authorizes Applicant to increase baseline fares on its Catalina Island vessel service between 3% and 10.8%, and to establish a new zone of rate freedom of 15% above and below its baseline fares. This proceeding is closed.

(Exam Clark)

Outcome Signed

D04-04-004

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

9

[3333]

A04-01-002 - John M. Lundgren, Ten Fifteen, L.P., Ten Fifteen, LLC., and Volcano Telephone Company.

This decision grants John M. Lundgren, Ten Fifteen, L.P. and Ten Fifteen, LLC authority under Pub. Util. Code §854 to acquire control of Volcano Telephone Company. This proceeding is closed.

(Comr Brown - ALJ Malcolm)

Outcome Signed

D04-04-005

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

10

[3337]

Res T-16825 - People for Irvine Community Health, dba Info Link Orange County (Info Link).

This resolution grants Info Link the authority to use the 2-1-1 dialing code for health and human services information and referral service in Orange County.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

- 11**
[3341] **(ECP) C03-05-010 - William Leach vs. Pacific Gas and Electric Company (PG&E).**
This decision denies the petition of William Leach to modify D03-08-015 to require PG&E to relocate the service line to his water pump for \$500. This proceeding is closed.
(Comr Lynch - ALJ Patrick)
Outcome Signed
D04-04-006
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 12**
[3343] **A02-10-033 - V. Traveler, Inc., Fawad Ali, and Omar Tarzi.**
This decision authorizes Fawad Ali and Omar Tarzi to transfer their passenger stage corporation certificate to V. Traveler, Inc. This proceeding is closed.
(Exam Clark)
Outcome Signed
D04-04-007
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 13**
[3344] **A03-06-037 - Brenda Mason, dba A Car 4 Kids.**
This decision authorizes Brenda Mason to operate as a passenger stage corporation primarily to transport children between points in Contra Costa, Alameda, and San Francisco Counties, and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Outcome Signed
D04-04-008
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 14**
[3345] **A03-12-034 - Burlington Northern and Santa Fe Railway Company (BNSF).**
This decision authorizes BNSF to widen the existing railroad bridge of the existing Dale Street grade-separated highway-rail crossing (grade separation) of BNSF's San Bernardino Subdivision main line in City of Buena Park, Orange County. This proceeding is closed.
(Exam Clark)
Outcome Signed
D04-04-009
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 15**
[3349] **Res W-4465 - Alisal Water Corporation (ALCO) - Normco District (Normco) and Moss Landing District (MLD).**
This resolution authorizes ALCO a surcharge to recover an increase in water testing costs producing an increase in annual revenue for Normco of \$22,794 or 9.65% and \$6,947 or 5.84% for MLD.
(Advice Letter 96, filed January 8, 2004)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 16**
[3350] **Res T-16811 - SBC California (SBC).**
This resolution approves an Interconnection Agreement between SBC and Essex Acquisition Corporation, in accordance with the provisions of General Order 96-A and Resolution ALJ-181.
(Advice Letter 24606, filed February 9, 2004)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 17**
[3351] **Res T-16812 - SBC California (SBC).**
This resolution approves an Interconnection Agreement between SBC and BAK Communications, LLC, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 24614, filed February 11, 2004)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
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- 18**
[3352] **Res T-16813 - Verizon California, Inc. (Verizon).**
This resolution approves an Interconnection Agreement between Verizon and BAK Communications, LLC, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10744, filed February 2, 2004)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 19**
[3353] **A03-12-029 - Paramvir Sandhu dba 777 Transportation (Applicant).**
This decision authorizes Applicant to operate as a passenger stage corporation between San Jose, Hayward, and Cache Creek Casino in Brooks, and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Outcome Signed
D04-04-010
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 20**
[3355] **A03-10-057 - Southern California Water Company (SoCalWater).**
For an order authorizing SoCalWater to increase rates for water service in 2004 in its Region 1 Customer Service Areas. This decision reviews the recent rejection of three advice letters for interim rates under Pub. Util. Code §455.2 and authorizes the filing of new advice letters.
(Comr Peevey - ALJ Vieth)
Outcome Signed
D04-04-011
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

- 21**
[3356] **A99-09-006 - Pacific Gas and Electric Company.**
Application in the 1999 Annual Transition Cost Proceeding. This decision awards the Southeast Alliance for Environmental Justice \$50,033.72 for its contribution to D03-10-013. This proceeding is closed.
(Comr Brown - ALJ Patrick)
Outcome Signed
[D04-04-012](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 22**
[3358] **A04-02-003 - Terrence and Roseann Grimm.**
This decision modifies Resolution E-3842, dated September 18, 2003. This proceeding is closed.
(Exam Clanon)
Outcome Signed
D04-04-013
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 23**
[3365] **A03-07-027 - Southern California Edison Company (SCE).**
This decision approves a settlement resolving litigation between SCE and a qualifying facility, Salton Sea Power Generation L.P. et al. This proceeding is closed.
(Comr Brown - ALJ Malcolm)
Outcome Held (4/22/04, Regular Agenda. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

Regular Agenda

Energy Orders

24

[2910]

A03-05-012 - Pacific Gas and Electric Company (PG&E).

PG&E seeks Commission approval pursuant to Pub. Util. Code §851 of certain licenses and leases of PG&E property already in effect (the “agreements” or “transactions”). In total PG&E seeks approval of 256 transactions. Most of these agreements were entered into several years ago. Each permits various uses of PG&E property by third parties. The transactions did not have prior approval of the Commission pursuant to Pub. Util. Code §851. PG&E states that it discovered many of these agreements in various branch office files while conducting an extensive search in the PG&E bankruptcy proceeding. Because the 256 transactions may implicate environmental review or may not meet the criteria for General Order (GO) 69-C transactions, PG&E states that it decided it would be prudent to seek formal approval of the transactions under Section 851. In addition, PG&E asserts that Commission environmental review under the California Environmental Quality Act (CEQA) is unnecessary because the majority of the transactions fit within CEQA exemptions, nine received adequate local CEQA review, and six pre-date CEQA and are thus not subject to its requirements. This decision grants Section 851 approval for 255 of the transactions on a prospective basis. The Commission notes one of the transactions fits within recent Commission decisions finding agreements allowing floating boat docks as appropriate under GO 69-C. Therefore, Commission's approval here is not required. The decision declines to impose a penalty for failure to obtain prior approval of the transactions. With respect to CEQA, the Commission notes that because all of the agreements are several years old, any activity which may have warranted Commission's environmental review has long since occurred. Accordingly, Commission's CEQA review at this time has little value for practical purposes. Nevertheless, the Commission will address the CEQA issues raised by PG&E and determine where possible, the applicability of the claimed exemptions. This proceeding is closed. (Comr Kennedy - ALJ Walker)

Agenda 3124, Item 42 12/4/2003 (Kennedy);

Agenda 3127, Item 18 1/22/2004 (Wood);

Agenda 3128, Item 30 2/11/2004 (Wood);

Agenda 3130, Item 36 3/16/2004 (Lynch)

Outcome Held (5/6/04. Possible alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

24a

[3306]

ALTERNATE TO ITEM 2910

This alternate differs from the Proposed Decision in the manner in which CEQA concerns are resolved and in its retroactive treatment of the leases. The Proposed Decision approved the leases on a going-forward basis, while declaring them to be void for periods prior to the approval. In response to comments, the ALJ reversed that position, proposing that the Commission grant a retroactive exemption for the leases, pursuant to Section 853. The alternate adheres to the ALJ's original position on this issue.

(Comr Wood)

Agenda 3130, Item 36a 3/16/2004 (Lynch)

Outcome Held (5/6/04. Possible alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

25

[2936]

R02-11-039 - Rulemaking to implement the provisions of Public Utilities Code §761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.

This decision involves Commission implementation and enforcement of Logbook Standards for thermal powerplants adopted by the California Electricity Generation Facilities Standards Committee pursuant to Pub. Util. Code §761.3. Within 45 days of the date this order is mailed (or 45 days of initial operation of a new facility), an authorized representative of each covered electricity generation facility shall file a verified statement with the Director of Consumer Protection and Safety Division regarding compliance with these orders. Covered facilities are 50 megawatts and larger, subject to several exceptions. Within 12 months, respondents shall file and serve an application that addresses implementation and enforcement of a common logbook format. The Executive Director shall file a notice of exemption regarding the California Environmental Quality Act.

(Comr Wood - ALJ Mattson)

Agenda 3124, Item 12 12/4/2003 (Peevey);

Agenda 3127, Item 19 1/22/2004 (Peevey)

Outcome Held (5/6/04. Further deliberation. (Comr Wood's motion to override the hold was defeated 3-2; Comrs Wood and Lynch voting in favor.))

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

26

[3003]

I01-08-029 - Order Instituting Investigation into Southern California Edison Company's electric line construction, operation, and maintenance practices. Southern California Edison Company (Edison), Respondent.

This decision fines Edison a total of \$576,000, primarily for 25 violations of the Commission's General Order (GO) 95 and GO 128 specifying the requirements for the construction, operation, and maintenance of overhead and underground utility systems. The decision fines Edison \$20,000 for each of these 25 violations that have a nexus with an accident involving death, injury, or property damage. It also fines Edison \$1,000 for each of 56 violations of GO 165 for failure to identify unsafe conditions and \$20,000 for one violation for exceeding GO 165's inspection intervals. This decision also grants the intervention of the California Cable and Telecommunications Association (CCTA), Pacific Gas and Electric Company (PG&E), and San Diego Gas & Electric Company (SDG&E). It also considers and rejects the appeals to the presiding officer's decision of Edison, the Commission's Consumer Protection and Safety Division, CCTA, P&GE, and SDG&E. This proceeding is closed.

(Comr Kennedy - ALJ Econome)

Agenda 3124, Item 47 12/4/2003 (Kennedy);

Agenda 3127, Item 22 1/22/2004 (Kennedy);

Agenda 3128, Item 31 2/11/2004 (Peevey);

Agenda 3129, Item 20 2/26/2004 (Peevey);

Agenda 3130, Item 37 3/16/2004 (Brown)

Outcome Held (4/22/04. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

27

[3054]

A01-03-008 - Pacific Gas and Electric Company (PG&E).

This decision denies the petition of PG&E for modification of D03-05-077 on the ground that the petition raises no issue of fact or law that warrant such modification. D03-05-077 correctly states that the installation of optical fiber and related telecommunications equipment on existing utility structures by third-party telecommunications providers is not categorically exempt from environmental review under the California Environmental Quality Act. D03-05-077 contains no factual errors relating to the use of the fiber optics, and correctly cites Commission precedent. This proceeding is closed.

(Comr Lynch - ALJ Thomas)

Agenda 3126, Item 12 1/8/2004 (Kennedy);

Agenda 3128, Item 33 2/11/2004 (Kennedy);

Agenda 3129, Item 22 2/26/2004 (Peevey)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

27a

[3346]

ALTERNATE TO ITEM 3054

This alternate decision grants PG&E's petition to modify D03-05-077. Finds that this installation of optical fiber and related telecommunications equipment on existing utility structures by third-party telecommunications providers, consistent with the facts of this case, is categorically exempt from environmental review under the California Environmental Quality Act (CEQA).

(Comr Kennedy)

Outcome Signed

D04-04-014

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

28

[3181]

A03-06-040 - Southern California Gas Company (SoCalGas).

In compliance with Resolution G-3334 for a system of firm, tradable receipt point capacity rights and related provisions. This decision adopts tariffs that implement the Comprehensive Settlement Agreement adopted in D01-12-018. The tariffs implement a market and regulatory framework for regulating the transportation and storage of natural gas on SoCalGas' system. This decision also denies a petition to vacate D01-12-018. This proceeding is closed.

(Comr Brown - ALJ DeUlloa)

Agenda 3128, Item 37 2/11/2004 (Kennedy);

Agenda 3129, Item 23 2/26/2004 (Brown);

Agenda 3130, Item 38 3/16/2004 (Brown)

Outcome Signed (Comr. Lynch reserves the right to file a dissent. Comr. Wood reserves the right to file a dissent.)

D04-04-015

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

28a

[3264]

ALTERNATE TO ITEM 3181

This alternate decision grants in part the Petition to Modify Decision D01-12-018, and vacates D01-12-018 and Resolution G-3334. The decision finds that, due to changes in the market and regulatory framework since the Commission adopted D01-12-018, the alternate has concluded that it is no longer in the public interest to pursue implementation of the SoCalGas Comprehensive Settlement Agreement. SoCalGas is directed to provide its services under existing rules and tariffs.

(Comr Lynch)

Agenda 3129, Item 23a 2/26/2004 (Brown);

Agenda 3130, Item 38a 3/16/2004 (Brown)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

29

[3268]

A02-05-004 - Southern California Edison Company (SCE).

I02-06-002 - Related matters. SCE's test year revenue requirement is established, a late payment charge and adjustments to other service charges are approved, a post-test year ratemaking mechanism is approved, 1997-98 capital additions are approved, and proposals for performance incentives are denied.

(Comr Wood - ALJ Wetzell)

Agenda 3130, Item 41 3/16/2004 (Wood)

Outcome Held (4/22/04. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

29a

[3269]

ALTERNATE TO ITEM 3268

This alternate differs from the Proposed Decision in 3 ways, none of which affect the revenue requirement:

1. It modifies Section 5.5 Service Guarantees to adopt ORA's proposed 8-part service standard.
2. It modifies Section 6.2.7 Employee Compensation Issues to point out weaknesses in the current Total Compensation Study methodology, order SCE to develop a new study for the next GRC, and adopt Greenlining's proposal to require SCE to annually report to the Commission on total compensation to its ten most highly-compensated employees.
3. It modifies Section 13.2 The Case for Performance Incentives. CCUE had proposed benchmarks and incentives. SCE and CCUE then reached a settlement adopting modified benchmarks and incentives. The PD rejects both, stating that incentives are inconsistent with Cost of Service ratemaking. The alternate adopts CCUE's proposal.

There are changed Findings, Conclusions and Ordering Paragraphs to match these text changes. In all other respects, the drafts are the same.

(Comr Wood)

Agenda 3130, Item 41a 3/16/2004 (Wood)

Outcome Held (4/22/04. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

30

[3278]

A03-10-022 - Southern California Edison Company (SCE).

This decision adopts the 2004 revenue requirement and related estimates under SCE's Energy Resource Recovery Account (ERRA), resulting in a 2.59% increase in the system average ERRA generation rate and a 159.51% decrease in the system average ERRA delivery rate.

(Comr Peevey - ALJ Fukutome)

Outcome Held (4/22/04. Further clarification.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

31
[3291]

R02-11-039 - Rulemaking to implement the provisions of Public Utilities Code §761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.

This decision adopts a General Order to implement and enforce standards adopted pursuant to Pub. Util. Code § 761.3.

(Comr Wood - ALJ Thorson)

Outcome Held (5/6/04. Further consideration. (Comr Wood's motion to override the hold was defeated 3-2; Comrs. Wood and Lynch voting in favor.))

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

32
[3313]

I00-11-001 - Order Instituting Investigation into implementation of Assembly Bill 970 regarding the identification of electric transmission and distribution constraints, actions to resolve those constraints, and related matters affecting the reliability of electric supply.

This decision provides that a collaborative study group, coordinated by the California Independent System Operator and Commission staff, develop a transmission development plan for the Tehachapi area based on the magnitude of the identified wind resource.

(Comr Lynch - ALJ TerKeurst)

Outcome Held (4/22/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

33
[3367]

R_____ - Order Instituting Rulemaking to promote policy and program coordination and integration in electric utility resource planning.

The Commission opens this rulemaking to continue its ongoing efforts to promote policy and program coordination and integration in electric utility resource planning.

As the successor to R01-10-024, this proceeding will be the forum in which the Commission considers, in a coordinated and integrated fashion, the key policies and programs which underlie Commission's approval of the investor owned utilities' long-term procurement plans.

Outcome Signed

R04-04-003

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

34

[3384]

I _____ - Order Instituting Investigation into the proposal of Sound Energy Solutions, Inc. to construct and operate a liquefied natural gas terminal at the Port of Long Beach.

The Commission opens this investigation to promote public safety and California's environmental welfare, consistent with state and federal law. The Commission orders Sound Energy Solutions, Inc. to file an application for a certificate of public convenience and necessity if it intends to pursue construction of the project.

Outcome Held (4/22/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Energy Resolutions and Written Reports

35 **Res G-3364 - Pacific Gas and Electric Company (PG&E), Southern California Edison**
[3265] **Company (SCE), San Diego Gas & Electric Company (SDG&E), Southern California Gas**
 Company (SoCalGas), and Southwest Gas Corporation (Southwest Gas).

This resolution approves with modifications the requests of PG&E, SCE, SDG&E, SoCalGas, and Southwest Gas for incorporating D03-03-032 into their electric and gas line extension tariff rules. (PG&E Advice Letter (AL) 2458-G-B/2379-E-B, filed January 22, 2004; SCE AL 1705-E, filed December 24, 2003; SDG&E AL 1496-E-A/1377-G-A, filed December 22, 2003; SoCalGas AL 3260-A, filed December 22, 2003, and Southwest Gas AL 686-B, filed December 23, 2003)
Agenda 3130, Item 45 3/16/2004 (Staff)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

36 **Res E-3856 - Southern California Water Company (SCWC), dba Bear Valley Electric**
[3308] **Service (BVE).**

This resolution authorizes SCWC dba BVE to continue in rates its collection of funds for public purpose programs related to research and development and renewable resource technologies.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

37 **Res E-3862 - Pacific Gas and Electric Company (PG&E).**

[3309] This resolution approves PG&E's request to revise electric and gas tariffs and establish various balancing and memorandum accounts to implement Modified Settlement Agreement adopted by D03-12-035. (Advice Letter 2510-G/2460-E-A, filed December 31, 2003)

Outcome Approved ((Pres. Peevey's motion to override the hold passed 3-2;
 Comrs. Lynch and Wood dissenting.))

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (Lynch, Wood)

Absent: (none)

Telecommunication Orders
38

[2513]

R00-02-004 - Order Instituting Rulemaking on the Commission's own motion to establish consumer rights and consumer protection rules applicable to all telecommunications utilities.

The Commission adopts General Order No. ###, Rules Governing Telecommunications Consumer Protection, applicable to all Commission-regulated telecommunications utilities. G.O. ### sets forth: in Part 1, a telecommunications consumers' Bill of Rights; in Part 2, a set of Consumer Protection Rules all carriers must follow to protect those rights; in Part 3, Rules Governing Billing for Non-communications-Related Charges; and in Part 4, Rules Governing Slamming Complaints. The proceeding remains open to consider changes to the current limitation of liability provisions, rules protecting non-English speaking consumers, and a telecommunications consumer education program. (Comr Wood - ALJ McVicar)

Agenda 3119, Item 40 9/18/2003 (Staff);

Agenda 3120, Item 45 10/2/2003 (Brown);

Agenda 3122, Item 38 10/30/2003 (Brown);

Agenda 3124, Item 53 12/4/2003 (Wood);

Agenda 3125, Item 69 12/18/2003 (Peevey);

Agenda 3127, Item 32 1/22/2004 (Staff);

Agenda 3128, Item 40 2/11/2004 (Staff)

Outcome Held (4/22/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

39

[2636]

R01-09-001 - Order Instituting Rulemaking on the Commission's own motion to assess and revise the new regulatory framework for Pacific Bell (Pacific) and Verizon California Incorporated.

I01-09-002 - Related matters. This proposed decision addresses Phase 2B audit issues. The proposed decision sustains most of the findings of an audit of Pacific's intrastate financial results for the period 1997-1999 that were considered during Phase 2B. This decision should be read in conjunction with the findings reached by the Commission in Phase 2A of this proceeding, which concludes that as a result of both decisions, Pacific owes a refund to its ratepayers in the amount of \$661 million, including interest through July 2003.

(Comr Kennedy - ALJ Thomas)

Agenda 3123, Item 40 11/13/2003 (Staff);

Agenda 3125, Item 70 12/18/2003 (Staff);

Agenda 3126, Item 57 1/8/2004 (Kennedy);

Agenda 3129, Item 31 2/26/2004 (Wood)

Outcome Held (5/27/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

39a

[2637]

ALTERNATE TO ITEM 2636

I01-09-002 - Related matters. This alternate proposed decision resolves Phase 2B audit issues. The alternate proposed decision sustains the analysis in the audit conducted by Overland on 51 of 68 issues, and reverses its findings on 17. The alternate proposed decision accepts Pacific's claim of lawyer-client confidentiality concerning certain information, but prohibits the booking of contingent liability accruals that rely on this information. The alternate resolves ambiguities in the Commission's process for resolving discovery disputes. Consistent with D01-06-077, the alternate orders Pacific to pay interest on the amounts due to customers at the 90-day commercial paper rate.

(Comr Kennedy)

Agenda 3123, Item 40a 11/13/2003 (Staff);

Agenda 3125, Item 70a 12/18/2003 (Staff);

Agenda 3126, Item 57a 1/8/2004 (Kennedy);

Agenda 3129, Item 31a 2/26/2004 (Wood)

Outcome Held (5/27/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

40

[2976]

A01-02-012 - Verizon California Inc. (Verizon).

This decision grants Verizon authority to re-categorize its Business Billable Repair Service (BRS), Business Inside Wire Maintenance Service Plan (IWMP), and CentraNet IWMP from Category II to Category III service offerings. Verizon is also authorized to increase the first weekday hour or less of its Business BRS ceiling rate from \$85 to \$100. The decision denies Verizon authority to re-categorize its Residential BRS, Residential IWMP, and Landlord IWMP from Category II to Category III. This proceeding is closed.

(Comr Wood - ALJ Galvin)

Agenda 3125, Item 72 12/18/2003 (Brown);

Agenda 3128, Item 42 2/11/2004 (Brown);

Agenda 3130, Item 46 3/16/2004 (Lynch)

Outcome Held (4/22/04. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

40a (Rev.)

[3293]

ALTERNATE TO ITEM 2976

This decision grants Verizon authority to re-categorize its Residential, Landlord, Business, and CentraNet Inside Wire Maintenance Plans (IWMP), and Residential and Business Billable Repair Services (BRS) from Category II to Category III service offerings. Verizon is also authorized to increase its Residential and Landlord IWMP rates from \$0.95 to \$1.75, with rates capped at \$2.99 following the passage of one year, and Business and CentraNet IWMP from \$1.75 to \$2.50 and to increase the first weekday hour or less of its Business BRS ceiling rate from \$85 to \$100. The decision requires a revision to Tariff A-9, sheet 19 such that when an SNI has not been installed Verizon "will not charge for a premise visit nor for identifying the location (inside wire, network or CPE) of a problem." The decision requires disclosures of and notices informing subscribers of their options, and denies Verizon Advice Letter 9167. This proceeding is closed.

(Comr Brown)

Agenda 3130, Item 46a 3/16/2004 (Lynch)

03/23/2004 - This revision was not shown on the Agenda mailed to the public.**Outcome Held (4/22/04. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

41

[3105]

A00-02-039 - Metromedia Fiber Network Services, Inc. (MFNS).

This decision imposes a \$50,000 penalty on MFNS for commencing construction on a portion of its California fiber optic network in violation of Commission Rule 17.1 et seq., D97-06-107, and Instruction 4 to the "registration" form authorized in that decision. The decision finds MFNS was aware or should have been aware that its project had the potential to cause environmental impact. Before commencing construction, MFNS should have allowed the Commission the opportunity to conduct an environmental review of MFNS' plans. This proceeding is closed.

(Comr Lynch - ALJ Thomas)

Agenda 3127, Item 35 1/22/2004 (Kennedy);

Agenda 3129, Item 32 2/26/2004 (Kennedy)

Outcome Held (4/22/04. Possible alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

42

[3168]

R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.

I95-04-044 - Related matters. This decision adopts wholesale prices for SBC Pacific's Directory Assistance Listing Information Service, pursuant to D02-02-025.

(Comr Peevey - ALJ Pulsifer)

Agenda 3128, Item 44 2/11/2004 (Wood);

Agenda 3129, Item 33 2/26/2004 (Peevey)

Outcome Held (4/22/04. Possible alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

43

[3173]

A03-10-032 - WilTel Communications, LLC (WTC).

A03-10-033 - Related matters. This decision grants A03-10-032 of WTC for approval of the transfer of control of WTC from Williams Communications Group, Inc. to WilTel Communications Group, Inc. (new WCG). In addition, the decision grants WTC's A03-10-033 for approval of the acquisition of a controlling interest in new WCG, resulting in a controlling interest in WTC, by Leucadia National Corporation. The approvals are prospective in nature. Also, the decision imposes fines totaling \$10,000 for failure to obtain advance approvals of the transfers. These proceedings are closed.

(Comr Kennedy - ALJ O'Donnell)

Agenda 3128, Item 46 2/11/2004 (Lynch);

Agenda 3130, Item 48 3/16/2004 (Lynch)

Outcome Signed (Comr. Lynch will file a dissent. Comr. Wood reserves the right to file a dissent.)

D04-04-016

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

43a

[3382]

ALTERNATE TO ITEM 3173

A03-10-033 - Related matters. This alternate decision defers from the Administrative Law Judge's decision in that while it finds the transaction to be in the public interest, a \$20,000 fine is assessed for failure to obtain advanced approval.

(Comr Lynch)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

44 (Rev.)

[3174]

A03-10-034 - WilTel Local Network, LLC (WLN).

A03-10-035 - Related matters. This decision grants A03-10-034 of WLN for approval of the transfer of control of WLN from Williams Communications Group, Inc. to WilTel Communications Group, Inc. (new WCG). In addition, the decision grants WLN's A03-10-035 for approval of the acquisition of a controlling interest in new WCG, resulting in a controlling interest in WLN, by Leucadia National Corporation. The approvals are prospective in nature. Also, the decision imposes fines totaling \$10,000 for failure to obtain advance approvals of the transfers. These proceedings are closed. (Comr Kennedy - ALJ O'Donnell)

Agenda 3128, Item 47 2/11/2004 (Lynch);

Agenda 3130, Item 49 3/16/2004 (Lynch)

03/30/2004 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed (Comr. Lynch will file a dissent. Comr. Wood reserves the right to file a dissent.)

D04-04-017

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

44a

[3383]

ALTERNATE TO ITEM 3174

A03-10-035 - Related matters. Like the Administrative Law Judge's decision, this alternate decision acknowledges the two standards used by the Commission to determine if a transaction should be authorized under § 854(a). This alternate determines that here the second standard is more appropriate. Also, like the Administrative Law Judge's decision, this alternate imposes fines for the utility's failing to obtain advance approvals of the two transfers, however the fines imposed in the alternate total \$20,000.

(Comr Lynch)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

45

[3199]

I02-06-003 - Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless and related entities (collectively)

This modified decision finds that Cingular's corporate practice and policy from January 2000 to April 31, 2002 violated (1) Pub.Util.Code §451 and D95-04-028 because it allowed no trial of its wireless service and prohibited early termination of wireless service contracts unless the customer paid an early termination fee of \$150 or more, even though testing wireless service by using the phone is the best way for a customer to ascertain whether the service meets his or her needs, and (2) violated §§451, 702 and 2896 and D95-04-028 because it failed to disclose known network problems during 2001 and, in spite of these problems, continued to prohibit refunds/returns and require early termination fees for early cancellation of wireless service contracts. Decision orders a penalty of \$12,140,000 and requires reparations to customers. This modified decision addresses the issues raised by the Commission's Consumer Protection and Safety Division, Utility Consumers Action Network, and Cingular in their appeals to the Presiding Officer's Decision filed October 9, 2003. This proceeding is closed.

(Comr Wood - ALJ Vieth)

Agenda 3128, Item 48 2/11/2004 (Kennedy)

Outcome Held (5/6/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

46

[3236]

A02-07-050 - SBC Pacific Bell Telephone Company (SBC California).

This decision grants SBC California's motion to dismiss this application and closes the proceeding. This proceeding is closed with prejudice for a period of two years, during which time SBC California may not seek recategorization of its directory assistance services.

(Comr Lynch - ALJ Malcolm)

Agenda 3130, Item 50 3/16/2004 (Staff)

Outcome Held (4/22/04. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunication Resolutions and Reports**47**

[3108]

Res T-16818 - SBC California (SBC).

This resolution dismisses without prejudice SBC's request to waive the installation service charge for eligible residence and business customers returning from facilities-based carrier service. (Advice Letters 24278 and 24279, filed October 10, 2003)

Agenda 3127, Item 37 1/22/2004 (Staff);

Agenda 3128, Item 49 2/11/2004 (Kennedy);

Agenda 3129, Item 34 2/26/2004 (Staff);

Agenda 3130, Item 51 3/16/2004 (Peevey)

Outcome Held (5/6/04. For smooth transition from resolution to application.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

48

[3261]

Res T-16763

This resolution streamlines and clarifies filing rules for claiming carriers. Imposes deadlines for California Teleconnect Fund customers to provide certain information to providing carriers.

Agenda 3130, Item 52 3/16/2004 (Staff)

Outcome Held (4/22/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Water/Sewer Orders**49**

[2368]

A02-11-057 - Point Arena Water Works, Inc.

For an order authorizing a rate increase in rates subject to refund producing additional annual revenues of \$70,137 or 56.9% for the test year 2002. This interim decision determines that 1995 tax refunds will not be included in the scope of this 2002 test year general rate case.

(Comr Wood - ALJ Bushey)

Agenda 3116, Item CA-16 7/10/2003 (Staff);

Agenda 3117, Item 5 8/21/2003 (Lynch);

Agenda 3118, Item 44 9/4/2003 (Lynch);

Agenda 3120, Item 48 10/2/2003 (Wood);

Agenda 3123, Item 45 11/13/2003 (Peevey);

Agenda 3125, Item 73 12/18/2003 (Wood);

Agenda 3128, Item 51 2/11/2004 (Staff);

Agenda 3129, Item 35 2/26/2004 (Staff);

Agenda 3130, Item 53 3/16/2004 (Staff)

Outcome Held (4/22/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

49a

[2768]

ALTERNATE TO ITEM 2368

This alternate grants the City of Point Arena an opportunity to have an evidentiary hearing regarding the accounting and ratemaking treatment of income tax refunds.

(Comr Lynch)

Agenda 3120, Item 48a 10/2/2003 (Wood);

Agenda 3123, Item 45a 11/13/2003 (Peevey);

Agenda 3125, Item 73a 12/18/2003 (Wood);

Agenda 3128, Item 51a 2/11/2004 (Staff);

Agenda 3129, Item 35a 2/26/2004 (Staff);

Agenda 3130, Item 53a 3/16/2004 (Staff)

Outcome Held (4/22/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

50

[3099]

A02-07-021 - Southern California Water Company (SCWC).

In Interim Decision 03-05-001 on May 8, 2003, the Commission approved a settlement between the City of Santa Monica (City) and SCWC that conveyed SCWC water rights to the City and relieved SCWC from its participation in a number of pending lawsuits related to the Charnock Groundwater Basin. The issue of ratemaking treatment of the settlement proceeds and the issue of contamination payments made to SCWC by oil companies were deferred to this phase of the proceeding. This decision resolves those issues. The application is closed.

(Comr Kennedy - ALJ Walker)

Agenda 3127, Item 42 1/22/2004 (Lynch);

Agenda 3129, Item 37 2/26/2004 (Lynch)

Outcome Held (4/22/04. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

51

[3254]

A02-09-030 - California-American Water Company (CalAm).

A02-09-031, A02-09-032, A02-09-033 - Related matters. This decision grants CalAm test year 2003 and test year 2004 rate increases of \$237,400 (32.3%) and \$88,900 (9.1%) in Felton district, \$319,700 (20.6%) and \$70,700 (3.8%) in Larkfield district, and \$5,217,200 (32.2%) and \$1,104,000 (5.1%) in Sacramento district. The 2004 increases are deferred to 2005 in accordance with an earlier Commission order. CalAm's requests to combine districts are denied. CalAm's request to withdraw Application 02-09-033, its Montara district general rate case, is granted. This proceeding is closed.

(Comr Wood - ALJ McVicar)

Agenda 3130, Item 55 3/16/2004 (Lynch)

Outcome Held (4/22/04. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

76 (Rev.)

[3405]

A02-11-007 - Southern California Water Company (SCWC).

This decision grants the petition to modify D04-03-039. The petition to modify narrowly focuses on the issue of prospective water rights purchased by the City of Folsom in an agreement with the SCWC in 1994. This matter is added to the agenda pursuant to Government Code Section 11125.3 (a)(2).

(Comr Kennedy, Comr Peevey)

03/26/2004 - This item was not listed on the agenda distributed to the public.

Outcome Withdrawn ((Approved 5-0 motion to add this item to the agenda pursuant to Gov Code Sec 11125.3(a)(2).))

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

76a (Rev.)

[3406]

ALTERNATE TO ITEM 3405

This decision grants a stay of the first sentence of Ordering Paragraph 7 of D04-03-039 as to the City of Folsom and clarifies that Southern California Water Company (SCWC) may not stop providing water to Folsom or otherwise interfere with Folsom's use of water under its lease with SCWC absent a Commission decision that authorizes SCWC to do so. This item is subject to consideration if approved by the necessary vote under Government Code Section 11125.3(a)(2). This is an alternate to President Peevey's and Commissioner Kennedy's order ID #3405.

(Comr Lynch)

03/26/2004 - This item was not listed on the agenda distributed to the public.

03/29/2004 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed ((Approved 5-0 motion to add this item to the agenda pursuant Gov Code Sec 11125.3(a)(2).) Comr. Kennedy will file a dissent.)

D04-04-018

Yes: (Brown, Lynch, Wood)

No: (Kennedy, Peevey)

Abstain: (none)

Absent: (none)

Legislative Matters

- 52** **AB 1169 (Bermudez)**
[3368] Public utilities: telephone corporations; disposition of property.
 Outcome Held (4/22/04.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 53** **AB 1981 (Wolk)**
[3369] Telecommunications: deaf and disabled telecommunications program.
 Outcome Held (4/22/04.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 54** **AB 2006 (Nunez)**
[3370] Electrical restructuring: Reliable Electric Service Act of 2004.
 Outcome Held (4/22/04.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 55** **AB 2283 (Chu)**
[3371] State community social services telephone number system.
 Outcome Held (4/22/04.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 56** **AB 2419 (Campbell)**
[3372] Public utilities: judicial review.
 Outcome Held (Discussed and held to 4/22/04.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

- 57**
[3373] **AB 2430 (Wiggins)**
Commercial air carriers: hot air balloons.
Outcome Held (4/22/04.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 58**
[3374] **AB 2434 (Bates)**
Public Utilities Commission: railroad crossings.
Outcome Held (4/22/04.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 59**
[3375] **AB 2505 (Maldonado)**
Public utilities: stocks and security transactions.
Outcome Held (4/22/04.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 60**
[3376] **AB 2768 (Richman)**
Telecommunications: regulatory streamlining.
Outcome Held (4/22/04.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 61**
[3377] **AB 2803 (Jerome Horton)**
Public Utilities Commission: Office of Economic Development.
Outcome Held (Discussed and held to 4/22/04.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

- 62** **SB 1163 (Dunn)**
[3378] Utilities.
 Outcome Held (4/22/04.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 63** **SB 1201 (Torlakson)**
[3379] Electrical restructuring: BART.
 Outcome Held (4/22/04.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 64** **SB 1488 (Bowen)**
[3380] Public Utilities Commission: public information.
 Outcome Held (4/22/04.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 65** **SB 1704 (Chesbro)**
[3381] Commercial air carriers: hot air balloons.
 Outcome Held (4/22/04.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal

- 67** **A03-07-032 - Conference with Legal Counsel - Application for Rehearing**
 [3319] Order disposing of applications for rehearing of D03-12-059 filed jointly by Office of Ratepayer Advocates (ORA) and Independent Energy Producers Association (IEP); IEP (separately); jointly by the Alliance for Retail Energy Markets and the California Manufacturers and Technology Association; and the Navajo Nation. In D03-12-059, the Commission granted Southern California Edison Company permission to acquire and operate the Mountainview power plant through a wholly-owned subsidiary, and to enter into a 30-year power purchase agreement with its Mountainview subsidiary.
Outcome Signed
 D04-04-019
 Yes: (Brown, Kennedy, Peevey, Wood)
 No: (Lynch)
 Abstain: (none)
 Absent: (none)
- 68** **A01-10-011 - Conference with Legal Counsel - Application for Rehearing**
 [3347] Order disposing of applications for rehearing of D03-12-061 filed by Duke Energy North America and Duke Trading and Marketing (Duke) and the Northern California Generation Coalition (NCGC). D03-12-061 resolves the gas market structure, rates, and terms and conditions of service for Pacific Gas and Electric Company's (PG&E's) natural gas transmission and storage system for 2004. Duke and NCGC claim that the decision errs in approving the establishment of a backbone level rate for PG&E.
Outcome Held (5/6/04.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

69

[3357]

A04-01-004 - Conference with Legal Counsel - Application for Rehearing

Disposition of Application of Rehearing of Resolution E-3814, filed by The Utility Reform Network. In this Resolution, the Commission approved Southern California Edison Company's Advice Letter Filing 1680-E, which sought approval of the TrueSolar PPA and a new 5 MW central station solar photovoltaic facility to be constructed and operated by TrueSolar.

Outcome Held (4/22/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

70

[3362]

R01-05-047 - Conference with Legal Counsel - Application for Rehearing

Disposition of Application for Rehearing of Decision 04-02-057 filed by San Diego Gas & Electric Company. This Decision adopted steps to make it easier for residential customers to afford their basic energy needs in light of the substantial rate increases and the multi-tiered rate structure implemented to meet utility obligations caused by the energy crisis. Among other things, the Commission held that any utility whose rates are not in compliance with Water Code §80110 should reduce its generation or commodity rates for usage up to 130% of baseline so that total rates for such usage are no higher than they were when AB 1X became effective.

Outcome Signed

D04-04-020

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)